

GS II

SYLLABUS: INDIAN CONSTITUTION—HISTORICAL UNDERPINNINGS, EVOLUTION..

LIVING CONSTITUTION

THE HINDU, PG.NO: 8.

News: "The Constitution still thrives, let it show India the way"

"However good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot."—Dr. B.R.Ambedkar.

The gaps in the Indian constitution identified by B.R. Ambedkar:

- There is a complete absence of two things in Indian society, equality and fraternity—**B.R. Ambedkar**.

On Absence of Equality:

- In politics, we'll recognise the principle of **one man, one vote, and one value**. However, **in our social and economic life, we'll continue to deny this principle** due to our structure.
- How long shall we endure this contradiction and deny equality in our social and economic life?

On Absence of Fraternity:

- "Fraternity means a **sense of common brotherhood** of all Indians —of Indians being one people. It is the principle which **gives unity and solidarity to social life**.
- **But it was indispensable, Liberty, equality, and fraternity were intertwined** and could not flourish independently. He pointed out:
 - **Without equality**, liberty would produce the supremacy of the few over the many.
 - **Equality without liberty** would kill individual initiative.
 - **Without fraternity**, liberty would produce the supremacy of the few over the many.
 - **Without fraternity**, liberty and equality could not become a natural course of things.

Progress till today:

Progress on Equality

- Equality has advanced, with **untouchability abolished** and affirmative action implemented through **reservations**, initially for Scheduled Castes and later for Other Backward Classes (OBC).
- **Promoting social and economic equality is far from complete.**
 - While Dr. Ambedkar aimed to abolish caste in India, **Mandal (1992 judgement) sought to represent it**. It entrenched caste rather than eliminating it from public life.
 - The **increasing demand for a caste census** is likely to have further consequences for the development of India's constitutional practice.

Progress on Fraternity:

- **Misused for mobilisation of votes** in the name of **caste, creed, region and language**.

P.T.O

- **Strong sense of nationhood is seen in following situations** despite the persistence of local or sectarian identities:
 - **During a cricket match** involving the Indian team.
 - **National outrage and mourning** after an international conflict such as the Kargil war(1999) or the Galwan incident (2020)
- **Fraternity is a work still in progress.**

Hollowing out many institutions created by the Constitution:

- Including **diminishing of Parliament & pressure on judiciary** undermining democratic spirit.
- **Critics label India as an "electoral autocracy"**, policed by the "constable."

"Independence, is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibilities. By independence, we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves."—Dr. B.R. Ambedkar.

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SECULARISM

THE HINDU, PG.NO: 10.

News: "The Constitution has always been secular both in spirit and in letter."

Secularism in India:

- **Secularism is implicit in the entire constitutional framework.**
 - Guarantee of equality in **Art. 14**.
 - The promise of non-discrimination in **Art. 15 and 16**.
 - Protection from religious taxes and religious instruction in state-funded institutions in **Art. 27 and 28**.
 - Permission of educational institutions of choice to linguistic and religious minorities in **Art. 29 and 30**.
 - The promise of equal ballots devoid of sectional preferences in **Art. 325**.
 - Uniform Civil Code in **Art. 44**.
- All the above ensure a constitutional architecture without religious preference. **God is notably absent in the Constitution.**
- Word '**Secular**' added to Preamble of Indian Constitution through **42nd Constitutional Amendment Act 1976**.

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SYLLABUS: POLITICAL PHILOSOPHIES LIKE COMMUNISM, CAPITALISM, SOCIALISM ETC.

SOCIALISM

THE HINDU, PG.NO: 10.

News: "Secular, socialist" to stay in Constitution's Preamble: SC."

• Socialism in India:

- **Democratic Socialism:** *Unlike authoritarian socialism*, India's approach integrates democratic principles, ensuring political freedoms alongside economic interventions.
 - *Combines elements of both socialism and capitalism*, allowing private enterprise within a regulated framework to achieve social objectives.
- Socialism *part of the Basic Structure* of the Constitution.
- Word '*Socialist*' added to Preamble of Indian Constitution through *42nd Constitutional Amendment Act 1976*.

• Evolution:

- **Pre- Independence:**
 - Early socialist ideas influenced by leaders like *Jawaharlal Nehru*, who envisioned a planned economy to address colonial exploitation and socio-economic disparities.
- **Post-Independence: Adoption of Socialist principles:**
 - *DPSP*: reflects socialist ideals aiming for social justice and equitable resource distribution.
 - *Five-Year Plans*: Inspired by the Soviet model, these plans focused on centralized planning to drive economic growth and development.
- **Neo-Liberal Reforms 1991:**
 - Marked a shift towards *market-oriented policies*; however, the government retained a significant role in key sectors to balance neoliberalism with socialist objectives.

Policies Supporting Socialism in India:

• Till 2000s:

- **Land Reforms 1950:**
 - Eliminated intermediaries in agriculture, granting *land ownership to tenant farmers*.
 - *Tenancy Reforms*: Provided security of tenure and fair rent to cultivators.
- **Five year plans:**
 - *1st FYP*: Focused on agricultural development to address food shortages.
 - *2nd FYP*: Emphasized industrialization, establishment of PSUs, and infrastructural development.
 - *7th & 8th FYP*: Integrated social sectors like education and health into planning.
- **Nationalisation of Key Industries:**
 - *Insurance Nationalization (1956)*: Led to the formation LIC.
 - *Bank Nationalisation 1969*: to extend banking services to rural areas and ensure financial inclusion.
 - *Coal Mines Nationalization 1973 and Steel Plants Nationalization*: Ensured state control over critical resources.
- **Public Sector Expansion:**
 - Establishment of *SAIL, BHEL, ONGC etc.*
- **Social welfare schemes:**
 - *PDS (Public Distribution System)*: Ensured food security by distributing essential commodities at subsidized rates.

- **Maternity Benefit Act (1961) and Employees' Provident Fund (1952)**: Promoted social security and workers' welfare.

• Post year 2000:

- **Social Security Schemes:**
 - *PMJDY*: Financial inclusion by providing universal access to banking services.
 - *PMAY*: Affordable housing initiative aimed at equitable living conditions.
 - *MGNREGA*: Guarantee 100 days of wage employment per year to rural households, promoting livelihood security and reducing rural poverty.
- **Education and Healthcare initiatives:**
 - *Right to Education Act (2009)*: Guarantees free and compulsory education to all children aged 6-14.
 - *Ayushman Bharat (2018)*: Health insurance scheme aiming for universal health coverage.
- **Poverty Alleviation Programs:**
 - *National Rural Livelihood Mission (NRLM)*: Promotes self-employment and organizes rural poor into self-help groups.
 - *Direct Benefit Transfer (DBT)*: Streamlines welfare schemes by transferring subsidies directly to beneficiaries, ensuring equitable distribution.
- **Labor Laws:**
 - *Protect workers' rights* and promote equitable labor practices.
- **Regulatory Frameworks:**
 - *Competition Act (2002)*: Prevents monopolistic practices, ensuring fair competition and protecting consumer interests.
 - *Minimum Wage Laws*: Protect workers' rights and ensure fair compensation.

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FEMINISM & CONSTITUTION

THE HINDU, PG.NO: 8.

News: "Feminist ideology in India's constitutional discourse."

- **Amrit Kaur and Hansa Mehta**, two of the **founding mothers of the Constitution**, brought this issue to the forefront.

On Equality:

- 'Founding fathers' of India's constitution treated women unfairly, viz., **postcolonial sexual contract**: this contract allowed women public equality but permitted men to make personal laws subordinating women to their families, so men would agree to follow state rules.

On Patriarchy:

- In 1932, **Indian women refused to accept the local, political, or ethical standards set by the male community**. This continued until 1950, but the Constitution Assembly failed to address their concerns—**Amrit Kaur**.
- Women demanded that a **Uniform Civil Code**.
- Capable of arresting the aggrandising social-patriarchal power must be included in the Fundamental Rights—**Amrit Kaur and Hansa Mehta**.

On Religion:

- Hansa Mehta and Amrit Kaur **proposed changing "free practice of religion" to "freedom of religious worship,"** fearing excessive religious freedom would hinder Indian women's freedom.
- Amrit Kaur's **note on "Freedom of Religion"** highlighted the anti-woman tendencies in religious practices, such as **purdah, polygamy, and the dedication of girls to temples**.
- **Towards Equality: Report of the Committee on the Status of Women in India (1974)**: concluded that the **Indian Republic had failed to achieve equality for its women folk** even after two decades of the promise made in the Preamble.

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Thank you!